

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:20-cr-094

Also Case No. 3:23-cv-229

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

CHRISTOPHER LEE BRYANT,

Defendant.

:

DECISION AND ORDER

This is a proceeding on a Motion to Vacate under 28 U.S.C. § 2255 and is before the Court on Defendant's Reply to the Government's Response to the Motion (ECF No. 68). The Reply claims that Defendant is intellectually disabled and therefore was incompetent to enter a guilty plea to the child pornography charges made in the case. Defense counsel is charged with providing ineffective assistance of trial counsel because he did not have Defendant take an IQ test. However, the claim made in the Motion to Vacate is that counsel was ineffective for advising a guilty plea and not raising an entrapment defense.

Entirely apart from the merits of either the claim made in the Motion or the claim made in the Reply, the Reply is STRICKEN because it recites that Defendant had little or no input into the § 2255 Motion and following papers. Rather it recites "I who wish to remain anonymous has [sic]

had opportunity to interact with Petitioner and discern quickly his less than acute comprehensions.” (PageID 731). The Reply is then signed with Defendant’s name.

Only an attorney may sign papers filed in this Court on behalf of another person and no attorney has entered an appearance on behalf of Defendant. Even if “anonymous” were an attorney, he or she could not file any papers anonymously. Fed.R.Civ.P. 11. Finally, “anonymous” offers an opinion as to Defendant’s mental condition without being qualified as an expert to do so.

Defendant’s Motion for Sanctions (ECF No. 11) and Motion for Default Judgment (ECF No. 10) are DENIED. The Government’s Answer was timely filed on October 21, 2023.

November 21, 2023.

s/ Michael R. Merz
United States Magistrate Judge